

AMENDED IN ASSEMBLY MAY 4, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 868**

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**Introduced by Assembly Member V. Manuel Perez**

February 26, 2009

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An act to amend Section 37710 of, and to add and repeal Section 37710.6 of, the Education Code, relating to school districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 868, as amended, V. Manuel Perez. Palo Verde Unified School District: four-day school week.

Existing law authorizes various school districts to operate one or more schools in each district on a 4-day school week, if the school district complies with specified requirements, including instructional time requirements. Schools in the Death Valley Unified School District, the Potter Valley Community Unified School District, and certain school districts in San Diego County that operate on a 4-day school week are required to achieve their Academic Performance Index (API) growth targets in order to maintain the authority to operate on a 4-day school week, as specified. Existing law requires the Superintendent of Public Instruction to reduce the base revenue limit per unit of average daily attendance of a school district if one or more schools in its district that are on a 4-day school week provide fewer than 180 days of instruction, as specified.

This bill would extend that authorization and those requirements, including that participating schools achieve their API growth targets in order to maintain the authorization, to the Palo Verde Unified School District, beginning in the 2010–11 fiscal year. The bill also would authorize the State Board of Education to waive 5-consecutive-day

operating requirements for preschools, before and after school programs, independent study programs, child nutrition and food service programs, community day schools, regional occupational centers or programs, and continuation high schools if the district would operate those programs on a 4-day week pursuant to the bill, provided that the district meets the minimum time requirement for each program. The bill would require the district to submit a report containing specified information to the State Department of Education, the Senate Committee on Education, and the Assembly Committee on Education on or before January 15, ~~2015~~ 2016, if the district operates one or more schools on a 4-day school week. The bill would repeal these provisions on January 1, 2015.

This bill would declare that, due to the unique circumstances applicable to the Palo Verde Unified School District, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution, and the enactment of a special statute is therefore necessary.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 37710 of the Education Code is amended  
2     to read:  
3     37710. If a school operating on a four-day school week  
4     pursuant to Section 37710.5, 37710.6, or 37711 fails to achieve  
5     its Academic Performance Index growth target pursuant to Section  
6     52052, the authority of that school to operate on a four-day school  
7     week shall be permanently revoked commencing with the  
8     beginning of the following school year.  
9     SEC. 2. Section 37710.6 is added to the Education Code, to  
10    read:  
11    37710.6. (a) Beginning with the 2010–11 fiscal year, the Palo  
12    Verde Unified School District may operate one or more schools  
13    in the school district on a four-day school week if the district  
14    complies with the instructional time requirements specified in  
15    Section 37701 and the other requirements of this chapter. The state  
16    board may waive five-consecutive-day operating requirements for  
17    any of the following programs that operate on a four-day week

1 pursuant to this section, provided that the district meets the  
2 minimum time requirement for each program:

- 3 (1) Preschools.
- 4 (2) Before and after school programs.
- 5 (3) Independent study programs.
- 6 (4) Child nutrition and food service programs.
- 7 (5) Community day schools.
- 8 (6) Regional occupational centers or programs.
- 9 (7) Continuation high schools.

10 (b) If the school district operates one or more schools on a  
11 four-day week pursuant to this section, and the program for the  
12 school year provides fewer than the 180 days of instruction required  
13 under Section 46200, the Superintendent shall reduce the base  
14 revenue limit per unit of average daily attendance for that fiscal  
15 year by the amount the school district would have received for the  
16 increase received pursuant to subdivision (a) of Section 46200, as  
17 adjusted in fiscal years subsequent to the 1984–85 fiscal year. If  
18 the school district operates one or more schools on a four-day  
19 school week pursuant to this section, and the program provides  
20 fewer than the minimum instructional minutes required under  
21 Section 46201, the Superintendent shall reduce the base revenue  
22 limit per unit of average daily attendance for that fiscal year in  
23 which the reduction occurs by the amount the school district would  
24 have received for the increase in the base revenue limit per unit  
25 of average daily attendance pursuant to subdivision (a) of Section  
26 46201, as adjusted in the 1987–88 fiscal year and fiscal years  
27 thereafter.

28 (c) If the school district operates one or more schools on a  
29 four-day school week pursuant to this section, the school district  
30 shall submit a report to the department, the Senate Committee on  
31 Education, and the Assembly Committee on Education on or before  
32 January 15, 2015. The report shall include, but not necessarily be  
33 limited to, information on the following:

- 34 (1) Programs the district offered on the fifth day and their  
35 participation rates.
- 36 (2) Whether the four-day school week schedule resulted in any  
37 fiscal savings.
- 38 (3) Impact on overall attendance of the schools operating a  
39 four-day school week.

1 (4) Programs for which the Superintendent waived minimum  
2 time and five-consecutive-day requirements and the operational  
3 and educational effects of the programs if they operated at less  
4 time than required.

5 (5) *Impact on city crime statistics where the schools operating*  
6 *a four-day school week are located, especially on the day on which*  
7 *there is no school.*

8 (6) *Information on the Academic Performance Index (API), as*  
9 *defined in Section 52052, for every year schools in the district*  
10 *operated a four-day school week, including, but not necessarily*  
11 *limited to, the base and growth API and whether the schools met*  
12 *API growth targets.*

13 (d) This section shall remain in effect only until January 1, 2016,  
14 and as of that date is repealed, unless a later enacted statute, that  
15 is enacted before January 1, 2016, deletes or extends that date.

16 SEC. 3. The Legislature finds and declares that, due to the  
17 unique circumstances applicable to the Palo Verde Unified School  
18 District, a general law cannot be made applicable within the  
19 meaning of Section 16 of Article IV of the California Constitution,  
20 and the enactment of a special law is therefore necessary.